



PLANNING COMMISSION AGENDA REPORT

VII. |

MEETING DATE: MARCH 10, 2008

ITEM NUMBER:

**SUBJECT: APPEAL OF MINOR CONDITIONAL USE PERMIT ZA-07-71
717 AND 719 OHMS WAY**

DATE: FEBRUARY 28, 2008

**FOR FURTHER INFORMATION CONTACT: HANH NGUYEN, ASSISTANT PLANNER
(714)754-5640**

DESCRIPTION

The applicant is appealing the conditions of approval included as part of the Zoning Administrator's approval of ZA-07-71, a minor conditional use permit to legalize a mobile home and outdoor storage in conjunction with an industrial use.

APPLICANT/APELLANT

The appellants are Donald Parsons and Leigh Knudson, property owners.

RECOMMENDATION

Uphold the Zoning Administrator's decision, by adoption of Planning Commission resolution.

HANH NGUYEN
Assistant Planner

KIMBERLY BRANDT AICP
Asst. Development Services Director

BACKGROUND

On January 24, 2008, the Zoning Administrator approved a minor conditional use permit to legalize outdoor storage, subject to conditions, but required the removal of the mobile home as well as the attached carport. This application resulted from a complaint.

The applicants appealed the Zoning Administrator's decision on January 31, 2008, contesting the first 8 of the 13 conditions of approval.

ANALYSIS

Conditions 1 through 3 require the removal of the mobile home and attached carport, replacing the two with parking spaces, as well as the provision of a minimum number of parking spaces. The applicant wishes to continue using the structures for an aspect of his manufacturing business and states that the mobile home has been on the property and in use for 20 years. However, there are no building permits reflecting the use of a mobile home for manufacturing purposes. Substantial and possibly costly improvements to the mobile home will be required to accommodate manufacturing uses and it is possible that the mobile home could not comply with current Fire and Building Codes. Additionally, the Zoning Administrator required removal of the mobile home and carport within 30 days since they are visible from a public street and because, in the Zoning Administrator's opinion, the manufacturing should be limited to a permanent building. Retention of the mobile home and carport would reduce the number of parking spaces that could be provided, to a number lower than required in condition number 3. Should the Planning Commission allow the mobile home to remain, staff recommends adding a condition of approval requiring the applicant to obtain proper permits to ensure the use of, and improvements to, the mobile home comply with current Fire and Building Codes.

The Zoning Administrator conditioned that the outdoor items, including the storage sheds, shipping containers, and other miscellaneous items, be consolidated into one area behind the building and cover no more than eight parking spaces. Additionally, a condition prohibited vertical stacking of objects above the height of the existing building and perimeter fences/walls is also included. The property owners do not wish to be restricted as to where they place their storage and feel that they are the appropriate party to make the decision as to the "esthetics of the storage situation". However, the Zoning Administrator found that these conditions would minimize visual impacts to the surrounding street and properties and would increase available on-site parking, as well as reducing the safety hazard (high stacking of materials).

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act.

GENERAL PLAN CONFORMITY

The outdoor storage, as conditioned by the Zoning Administrator, is consistent with General Plan Land Use Objective LU-1B in that it would contribute to the viability of the subject business as well as the community's economic base.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Uphold the Zoning Administrator's decision;
2. Approve the application, as proposed by the applicants, with deletion of conditions of approval numbers 1 through 8 and provide a 30-day deadline for the applicants to obtain building permits for the mobile home's use;
3. Modify the Zoning Administrator's decision; or
4. Deny the application and provide a 30-day deadline for the removal of the outdoor storage, mobile home, and carport. If the application is denied, the applicants would not be able to file a request for substantially the same application for six months.

CONCLUSION

It is the Zoning Administrator's opinion that allowing the outdoor storage and imposing conditions of approval numbers 1 through 8 would minimize detriments to the health, safety, and general welfare of the public or other properties or improvements within the immediate vicinity, which contribute to the business' economic viability.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Appeal Application
 Zoning Administrator's letter for ZA-07-71
 Applicant's Description/Justification
 Zoning/Location Maps
 Photographs of the site
 Plan

cc: Deputy City Mgr. - Dev. Svs. Director
 Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Leigh Knudson
717 Ohms Way
Costa Mesa, CA 92627

Donald Parsons
25 Blackswan
Irvine, CA 92604

Donald Parsons
8 Vispera
Irvine, CA 92620

RESOLUTION NO. PC-07-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA UPHOLDING THE ZONING
ADMINISTRATOR'S DECISION, APPROVING MINOR
CONDITIONAL USE PERMIT ZA-07-71**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Leigh Knudson and Donald Parsons, owners of real property located at 717 and 719 Ohms Way, requesting approval of a minor conditional use permit to legalize outdoor storage, located in an MG zone; and

WHEREAS, on January 24, 2008, the Zoning Administrator approved the application with conditions limiting the use; and

WHEREAS, the applicants filed an appeal of the Zoning Administrator's decision on January 31, 2008, protesting conditions of approval numbers 1 through 8; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 10, 2008.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **UPHOLDS** the Zoning Administrator's approval for Minor Conditional Use Permit ZA-07-71 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Minor Conditional Use Permit ZA-07-71 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification, or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 10th day of March, 2008.

Donn Hall Chair, Costa Mesa
Planning Commission

STATE OF CALIFORNIA)

COUNTY OF ORANGE

I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on March 10, 2008, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that allowing outdoor storage, as conditioned, is compatible with developments in the same general area. Granting the minor conditional use permit, subject to conditions and limitations, will not be detrimental to the health, safety, and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, adequate onsite parking exists to support the businesses, even with the outdoor storage, as modified by staff. The outdoor storage should not impact subject or surrounding properties if conducted in compliance with the conditions of approval. Granting the minor conditional use permit will not allow a use, density, or intensity that is not in accordance with the general plan designation for the property.
- B. The proposed use complies with Costa Mesa Municipal Code Section 13-29(e) because:
 - 1. As conditioned, the proposed use is compatible and harmonious with uses both onsite as well as those on surrounding properties.
 - 2. As conditioned, the proposed use complies with applicable development standards for the zoning district.
 - 3. As conditioned, the use is consistent with General Plan Land Use Objective LU-1B in that the outdoor storage would contribute to the viability of the subject business and the community's economic base.
 - 4. The zoning application is for a project-specific case and does not establish a precedent for future development.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt under Section 15301, Existing Facilities, of CEQA.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL (if approved)**

- Plng.
1. The mobile home and attached carport shall be removed from the property.
 2. Two additional parking spaces shall be provided in place of the mobile home.
 3. A minimum of 13 parking spaces shall be available for vehicle parking at all times.
 4. The double-stacked shipping containers shall be reduced to one level.
 5. The storage shed, shipping containers, and other miscellaneous outdoor items shall be consolidated into one area, under the direction of the Planning Division, located entirely behind the building, and shall not occupy more than 8 parking spaces.
 6. Vertical stacking of miscellaneous objects shall not project beyond the height of the existing building and perimeter fences/walls, if permitted by Building Code.
 7. The applicant shall maintain the outdoor storage area, at all times, in a manner that will minimize disruption and visual clutter to the surrounding tenants and properties. The applicant and/or business owner shall institute whatever operational measures necessary to comply with these requirements.
 8. If problems arise with the amount of available onsite parking, the applicant shall resolve the situation, including the removal of the outdoor storage, if necessary.
 9. The trash dumpster shall be screened from public view at all times.
 10. The applicant shall submit proof to the Planning Division, within **15 days** from the effective date of this approval, that the proposed outdoor storage area complies with the requirements of the Building Safety Division and Fire Department.
 11. The applicant shall contact the Planning Division to arrange for Planning inspection of the site within **30 days** from the effective date of this approval. This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.
 12. A copy of the conditions of approval for the minor conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
 13. The minor conditional use permit herein approved shall be valid until revoked. The minor conditional use permit may be referred to the Zoning Administrator for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the Zoning Administrator or his designee, any of the findings upon which the approval was based are no longer applicable.

APPLICATION FOR REVIEW, APPEAL OR REHEARING Page 1 of 3

Applicant Name Leigh Knudson + Don Parsons
Address 717 Ohms Way, Costa Mesa, Ca, 92627
Phone 949-646-7663 Representing _____

REQUEST FOR: ☐ REVIEW ** ☒ APPEAL ☐ REHEARING

Decision of which review, appeal or rehearing is requested: (give number of rezone, zone exception, ordinance, etc., if applicable, and the date of the decision, if known.) 1-31-08

Appeal of Costa Mesa, Planning Dept. Ruling

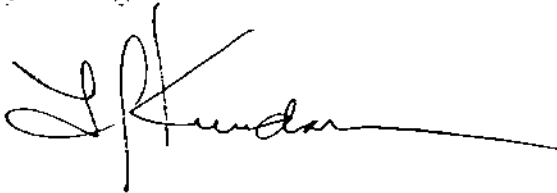
First a brief history! We filed a complaint, after three unsuccessful requests to the landlord of the buildings next door, occupied by Easy Lettering. Hearings were held and Easy Lettering lost the request to have most of the 21 ocean going containers they were using for outside storage. They then filed a complaint against the occupants at 719 Ohms Way in what they stated was a vindictive action. Basically they said you cost us a lot of money now we are going to cost you some money. When they realized they were still violating numerous city ordinances they rescinded the complaint.

We have requested the use of a mobile home, erroneously called an RV by CM Planning, for use in light industrial applications. We also need to store some items outside, such as scrap barrels, flammable storage structures and some machinery waiting resale. CM Planning has admitted we have plenty of parking and the storage does not impact employee parking in any way. It is suggested, that as business managers, we have a far better understanding of how to arrange our storage then city planners. We do understand there be no outside storage visible from public property. Most adjacent properties look far worse then ours so complaints from neighbors are unlikely.

We request the following:

- 1) Allow the mobile home and carport to stay and retain it's productive nature. The carport is considered and used as parking only.
- 2) Allow the property owners to make their own storage location decisions taking into consideration the esthetics of the storage situation.

There is and has not been for many years any space adjacent to our property either for rent or for sale. While our businesses have grown we can not grow our industrial building so are forced to use ancillary buildings.




Don Parsons
Don Parsons

APPLICATION FOR REVIEW, APPEAL OR REHEARING

Applicant Name Parsons & Knudson
Address 717 and 719 Ohms Way, Costa Mesa 92627
Phone (949) 646-7663 Representing

REQUEST FOR: ☐ REVIEW** ☒ APPEAL ☐ REHEARING

Decision of which review, appeal or rehearing is requested: (give number of rezoning, zone exception, ordinance, etc., if applicable, and the date of the decision, if known.)

Decision by Kimberly Brandt Reasons for requesting review, appeal or rehearing:

In regards to your 'Conditions' for us, we would like to address the following:
#1's 1-3 - The mobile home is a part of Parsons business and is being used for micro-deburring. For the past 20 years we have been making 2 light Control Components that are used on Boeing Air Planes. We have been making the same parts since 1980, and as far as we know, we are the sole source of several parts for Boeing's 737 airplanes. Parsons' manufacturing has been at this location since the building was built in 1972 and these "flight Control Components" are 80% of our business.

#1's 4-10 We have storage space rented locally at Public Storage. Our backyard neighbor has rented us space for 3 small storage sheds on his property. We have no space within the building for expansion or storage. The mobile home is more than 100 ft from the street, and doesn't appear to be an eye-sore. The trash bin could easily be

enclosed by a wooden structure that would hide the bin and also 80% of the mobile home. The mobile home has been at its location for more than 20 years, with the Carport attached. The Carport is used for a parking space every day, and by removing the mobile home we would gain only 1 parking space.

We think a nice enclosure around the trash bin would be more attractive, and easily accessed by the trash truck.

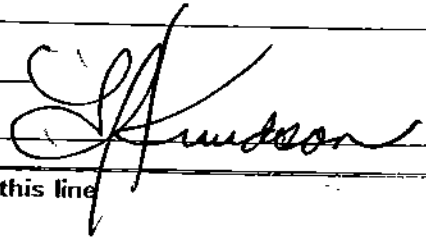
This property has 2 owners, so that putting everything in one area is not something that would be accommodating for both parties.

Thank you for your consideration

Date: 1-31-08

Signature:

Don Parsons



For office use only - do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:
If review, appeal or rehearing is for person or body other than City Council/Planning Commission, date of hearing of review, appeal or rehearing:

- * If you are serving as the agent for another person, please identify the person you represent and provide proof of agency.
 - ** Review may be requested only by City Council or City Council Member
- Costa Mesa/Forms1/Application for Review-Appeal-Rehearing



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92626-1200

DEVELOPMENT SERVICES DEPARTMENT

January 24, 2008

Leigh Knudson
717 Ohms Way
Costa Mesa, CA 92627

**RE: ZONING APPLICATION ZA-07-71
MINOR CONDITIONAL USE PERMIT TO LEGALIZE OUTDOOR STORAGE
717 & 719 OHMS WAY, COSTA MESA**

Dear Mr. Knudson:

The review of the minor conditional use permit for the above-referenced project has been completed. The application, as described in the attached project description, has been approved with modifications, based on the findings and subject to the conditions of approval (attached). The decision will become final at 5:00 p.m. on January 31, 2008 (seven days), unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or is called up for review by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Hanh Nguyen, at (714) 754-5640.

Sincerely,

KIMBERLY BRANDT, AICP
Zoning Administrator

Attachments: Project Description
 Findings
 Conditions of Approval & Code Requirements
 Conceptually Approved Plans

cc: Gary Wong, Engineering
 Fire Protection Analyst
 Building Division
 Jim Golfos, Code Enforcement

Donald Parsons
25 Blackswan
Irvine, CA 92604

Donald Parsons
8 Vispera
Irvine, CA 92620

DESCRIPTION

- The subject property contains a 6,400 square-foot, multi-tenant industrial building. The site is zoned General Industrial (MG) and is surrounded by industrially zoned and developed properties. The site also contains a mobile home (used as storage and business activities such as machine work) with an attached carport, multiple storage sheds, double-stacked shipping containers, and miscellaneous items stored throughout the parking lot.
- The property owner requests to legalize the mobile home and outdoor storage, which cover required parking spaces, and are visible from the public right-of-way.
- The site presently contains 19 parking spaces; 19 are required. Some of the storage area occupies five parking spaces behind the building, resulting in 14 available parking spaces. The property owner states that the businesses only need 13 parking spaces.
- Staff has visited the property and the site appears to have adequate parking spaces to accommodate the businesses. Therefore, staff is in support of the outdoor storage with conditions that the mobile home and the attached carport be removed to provide two additional parking spaces, the double-stacked shipping containers be lowered to one-level, and all the other outdoor items, including the storage sheds, shipping containers, and other miscellaneous items, be consolidated into one area and limited to behind the building. The outdoor storage area will be limited to covering a maximum of eight parking spaces, resulting in 13 available parking spaces. As conditioned, the proposed outdoor storage is consistent with other outdoor storage uses within the immediate vicinity. Staff does not support legalization of the mobile home on the property because all business activities need to be conducted inside the building, not in a motor vehicle.
- The proposed use is consistent with General Plan Land Use Objective LU-1B in that, as conditioned, the proposed outdoor storage would contribute to the viability of the subject business as well as the community's economic base.

FINDINGS

- A. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that allowing outdoor storage is compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety, and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, adequate onsite parking exists to support the businesses, even with the outdoor storage, as modified by staff. The outdoor storage should not impact subject or surrounding properties if conducted in compliance with the conditions of approval. Granting the minor conditional use permit will not allow use, density or intensity which is not in accordance with the general plan designation for the property.

- B. The proposed use complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. As conditioned, the proposed use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
 2. As conditioned, the proposed use complies with applicable development standards for the zoning district.
 3. As conditioned, the use is consistent with General Plan Land Use Objective LU-1B in that the outdoor storage would contribute to the viability of the subject business and the community's economic base.
 4. The zoning application is for a project-specific case and does not establish a precedent for future development.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from Section 15301, Existing Facilities, of CEQA.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CONDITIONS OF APPROVAL

- Plng. 1. The mobile home and attached carport shall be removed from the property.
2. Two additional parking spaces shall be provided in place of the mobile home.
3. A minimum of 13 parking spaces shall be available for vehicle parking at all times.
4. The double-stacked shipping containers shall be reduced to one level.
5. The storage shed, shipping containers, and other miscellaneous outdoor items shall be consolidated into one area, under the direction of the Planning Division, located entirely behind the building, and shall not occupy more than 8 parking spaces.
6. Vertical stacking of miscellaneous objects shall not project beyond the height of the existing building and perimeter fences/walls, if permitted by Building Code.
7. The applicant shall maintain the outdoor storage area, at all times, in a manner that will minimize disruption and visual clutter to the surrounding tenants and properties. The applicant and/or business owner shall institute whatever operational measures necessary to comply with this requirement.
8. If problems arise with the amount of available onsite parking, the applicant shall resolve the situation, including the removal of the outdoor storage, if necessary.
9. The trash dumpster shall be screened from public view at all times.
10. The applicant shall submit proof to the Planning Division, within **15 days** from the effective date of this approval, that the proposed outdoor storage area complies with the requirements of the Building Safety Division and the Fire Department.
11. The applicant shall contact the Planning Division to arrange for Planning inspection of the site within **30 days** from the effective date of this approval. This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.
12. A copy of the conditions of approval for the minor conditional use permit must be kept on the premises and presented to any authorized City official upon

request. New business/property owners shall be notified of the conditions of approval upon transfer of business or ownership of land.

13. The minor conditional use permit herein approved shall be valid until revoked. The minor conditional use permit may be referred to the Zoning Administrator/Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is operated in violation of applicable laws or ordinances or, if in the opinion of the Development Services Director or his designee, any of the findings upon which the approval was based are no longer applicable. Nothing in this condition shall exempt the applicant from complying with any time limits applied to any construction authorized by this application.

CODE REQUIREMENTS

The following list of federal, state, and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- | | | |
|--------------|----|---|
| PIng. | 1. | Development shall comply with all requirements of Articles 5 and 9, Chapter V, Title 13 of the Costa Mesa Municipal Code relating to industrial development standards. |
| | 2. | No sign of any kind shall be posted or displayed within the outdoor storage area. |
| | 3. | All work shall be conducted under-roof. Outdoor work, display, and/or storage, except as approved by this minor conditional use permit, is prohibited. |
| Bus. Lic. | 4. | All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy, and utility releases will not be granted until all such licenses have been obtained. |
| Bldg. | 5. | Comply with the requirements of the California Code of Regulations, Title 24, also known as the California Building Standards Code, as amended by the City of Costa Mesa. Plan check submittals beginning January 1, 2008, shall comply with the 2007 CBC based on the 2006 IBC. |
| Fire | 6. | The applicant shall contact the Fire Department for inspection of the outdoor storage items for compliance with the California Fire Code. |


To: Planning Dept.
City of Costa Mesa, CA

From: Parsons & Knudson
717-719 Ohms Way
Costa Mesa, CA 92627

Dec. 6, 2007

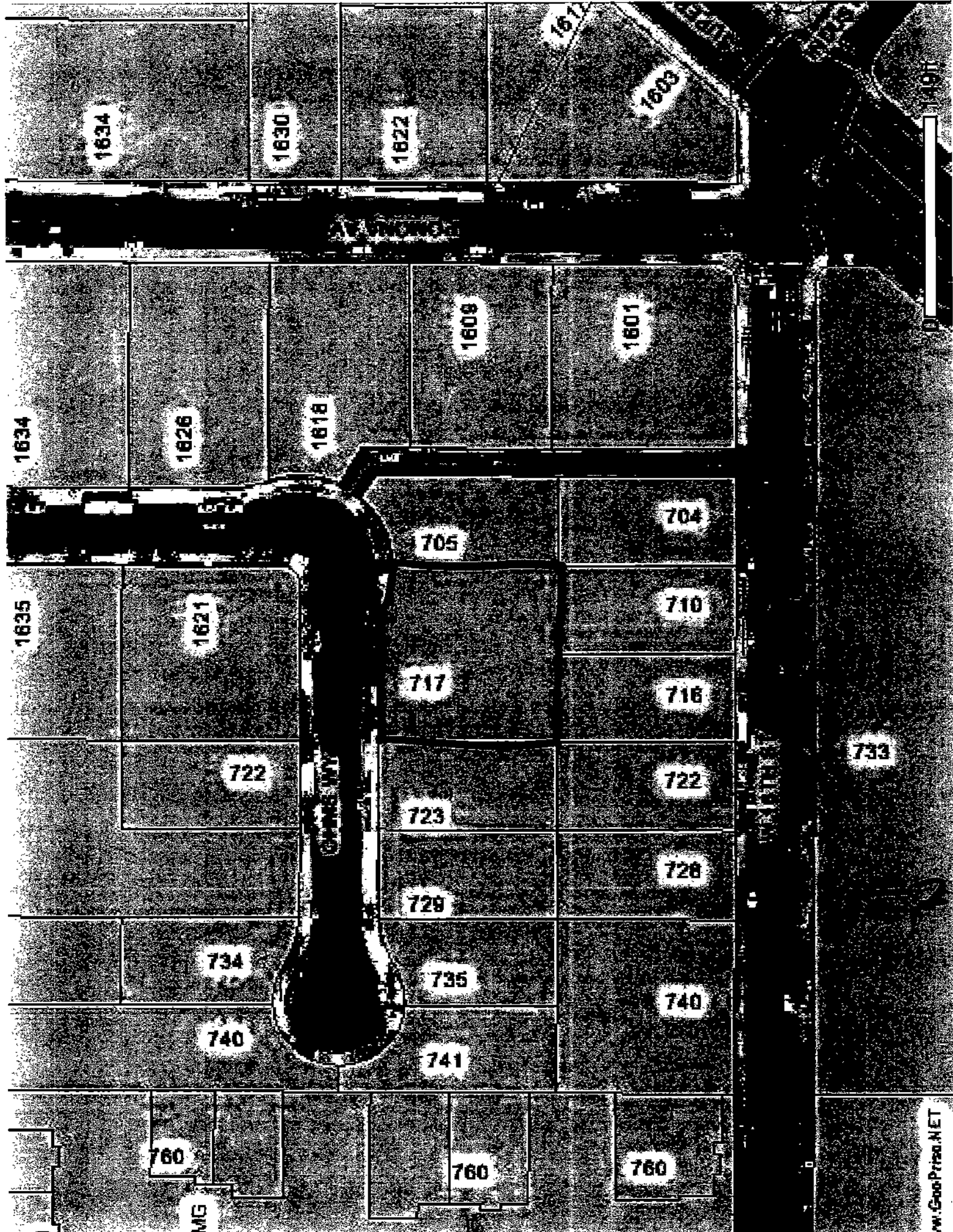
Subject: Request for a Minor Conditional Use Permit

This is a request to retain the storage units we have had for years, in the open paved area behind our industrial building. We have recently had about 1/2 this area repaved and will be striping it on Dec. 22, 2006 to conform with the drawings we are submitting. The drawing indicates there are the required 22 conforming spaces so that we actually feel this conditional use permit is not necessary.



Leigh Knudson for Parsons & Knudson

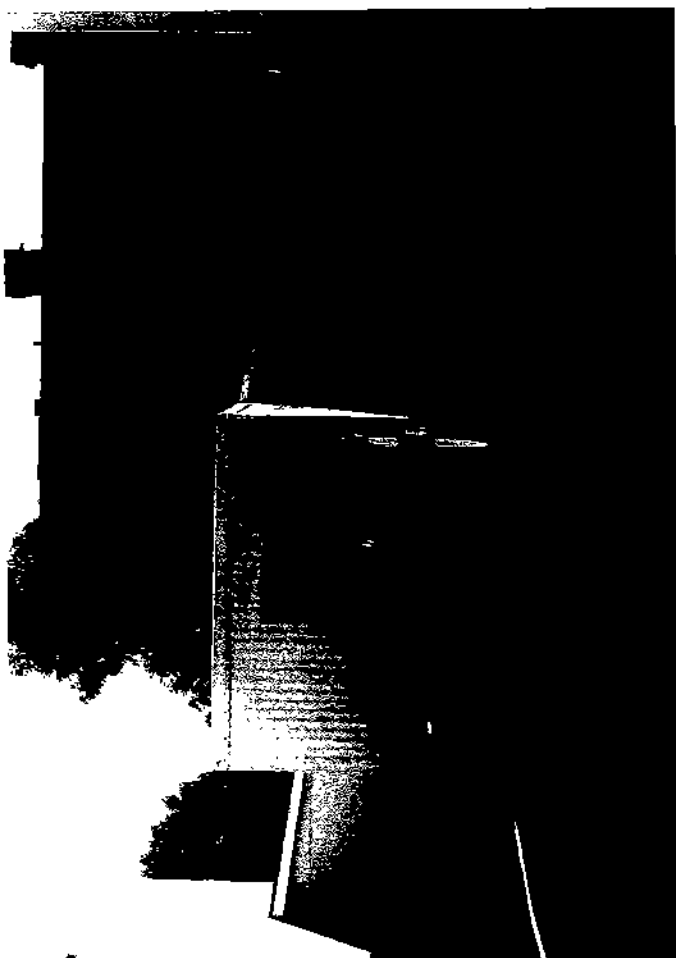
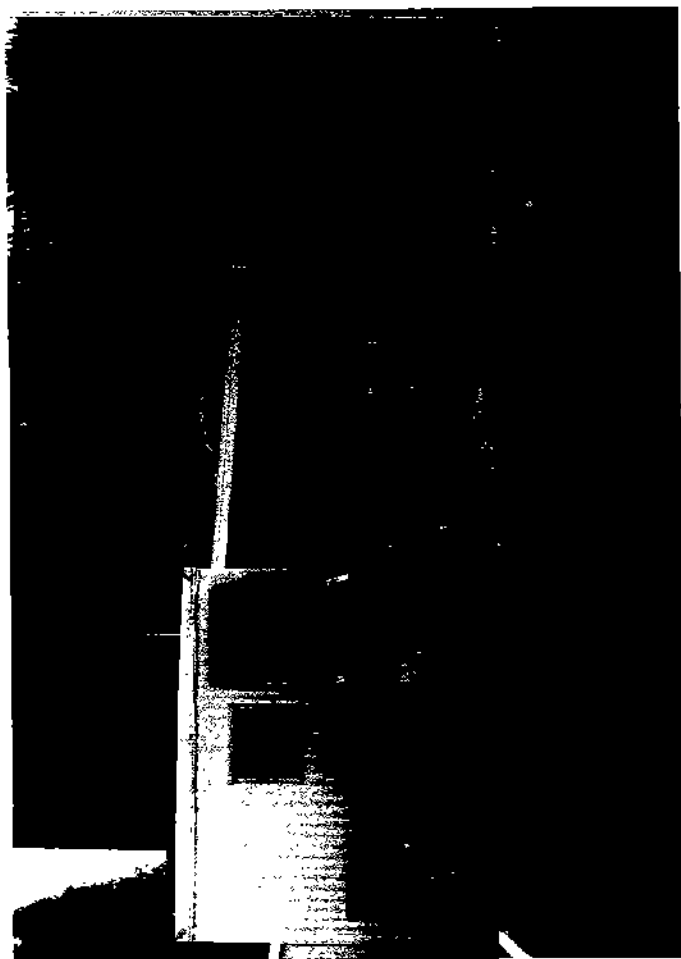
| | | | |
|-----------|-----|-------------|-------|
| MARMALINE | ADS | 5 EMPLOYEES | MAX |
| PARSONS | NAS | 8 EMPLOYEES | MAX |
| | | <hr/> | |
| | | 13 | TOTAL |



717

723

717-719 Ohms way
11/18/08



717-719 Ohms way
1/13/08

